



## **Rowan College of South Jersey**

### Administrative Procedure: 7011 **HARRASSMENT AND DISCRIMINATION**

All forms of employment and educational harassment and discrimination based on protected categories (see policy *7011 Harassment and Discrimination*) are prohibited. Sexual harassment is a form of unlawful gender discrimination and sexual assault, dating violence, domestic violence, and stalking constitute a violation of federal law.

#### **Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made a condition of employment or participating fully in the educational experience;
2. Submission or rejection of such conduct is used as a basis for employment or educational decisions affecting the individual; or
3. Such conduct has the purpose or effect of substantially interfering with the work performance of an employee or the educational performance of a student, or creating or maintaining an intimidating, hostile, or offensive environment.

Sexual harassment may include a wide range of obvious and/or subtle comments and conduct. Depending on the circumstances, it may include, but not limited to, repeated offensive or unwelcome sexual advances; subtle or overt pressure for sexual favors; sexual jokes; verbal comments or innuendo of a sexual nature; propositions or advances; graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, touching, pinching, or other physical touching; suggestive, insulting, or obscene comments or gestures; and/or display of sexually suggestive objects or pictures. Sexual harassment may include harassment between individuals of the same gender.

## **Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

Sexual misconduct (including domestic violence, dating violence, sexual assault, and stalking) destroys mutual respect and a trusting environment and can bring substantial personal harm to individuals and violates individual rights. Such behaviors will not be tolerated at the College and are against Board policy and constitute a violation of state and federal law. (See policy *7013 Sexual Misconduct and the Rights of Victims*.)

## **Consensual Relationships**

Whenever an employee uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the institution is clear and a violation of law. Even where the relationship is consensual, there is significant potential for harm when there is an institutional power difference between the parties involved, as is the case for example between supervisor and employee, faculty and student, coach and athlete, or academic advisor and advisee. Such relationships may cast doubt on the objectivity of any supervision and/or evaluation provided.

Therefore, consensual romantic and sexual relationships are discouraged. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the employment relationship and the educational process. A person involved in a consensual relationship should not have a direct responsibility for evaluating employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship.

## **Other Forms of Harassment**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, creed (religion), color, national origin, nationality, ancestry, age, sex (including pregnancy and sexual harassment), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, or mental or physical disability, including AIDS and HIV related illnesses and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; and/or
3. Otherwise adversely affects an individual's employment or educational experience.

Harassing conduct includes, but not limited to: epithets, slurs, or negative stereotyping, threatening, bullying, intimidating, stalking or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the College's premises or circulated on the College campus or workplace, including email or the College's computer system.

### **Bullying and Cyber Harassment**

The College is committed to providing a campus free from threats, bullying, intimidation, stalking, and other harassing behaviors. These behaviors may include, but not limited to the following:

1. Repeated, unwanted/unsolicited contact that includes face-to-face contact, telephone calls, voice messages, text messages, online posts, blogging, electronic video and/or photography, electronic mail, instant messages, written letters, unwanted gifts;
2. Verbal or written abuse, threats, harassment, coercion, or any other conduct that places another individual in reasonable fear of his/her safety through words or actions directed at that person, or substantially interferes with the working, educational, or personal environment of the individual; and/or
3. Threatening or persistent offensive communication through the Internet, via email chat rooms or other electronic devices.

### **Complaint Resolution Procedure: Investigation and Non-Retaliation**

The College encourages employees and individuals to utilize the following complaint resolution procedure which is also found under administrative procedure 7001 *Affirmative Action and Equal Employment Opportunity (AA/EEO)* and repeated here:

- Any individual or applicant for employment who has reason to believe that he or she is the victim of discrimination or harassment in any of its many forms, or any individual who has witnessed such conduct, should report such a complaint to the Special Assistant to the President Diversity & Equity/Title IX and Compliance located in the College Center, telephone number (856) 415-2154 (Gloucester Campus), or to the Director Diversity, Equity, Title IX, and Judicial Affairs located in the Administration Building, telephone number (854) 498-9948 (Cumberland Campus).
- All information regarding harassment complaints will be kept in confidence to the greatest extent practical and appropriate under the circumstances.
- All reports of harassment in violation of this policy will be investigated promptly and thoroughly. An investigation will include meeting with the alleged perpetrator as well as all relevant persons, including the complainant, and other potential witnesses, as appropriate under the circumstances. The results of the

investigation will be communicated in writing to the complainant and the alleged perpetrator simultaneously.

- Supervisory personnel must be alert to evidence of possible ongoing harassing conduct and report such incidents to the Special Assistant to the President Diversity & Equity/Title IX and Compliance located in the College Center, telephone number (856) 415-2154 (Gloucester Campus), or to the Director Diversity, Equity, Title IX, and Judicial Affairs located in the Administration Building, telephone number (854) 498-9948 (Cumberland Campus). An individual need not personally have been the target of an instance of offensive or harassing conduct in order to report a complaint based on that conduct.
- Any individual who is found after appropriate investigation to have engaged in conduct prohibited by this policy will be subject to disciplinary or corrective action the College considers appropriate under the circumstances, up to and including termination of employment or dismissal from the College's academic program. No individual will be subject to retaliation, intimidation, or discipline as a result of making a good faith complaint of harassment or providing information in connection with another's complaint. The College considers retaliation to be a violation of this policy and urges all individuals to report any incidents of retaliation immediately, in the same manner as any act of harassment. The College will investigate and resolve reports of retaliation in the same manner as any act of harassment (See policy *7017 Conscientious Employee Protection*).
- If, after investigation of a complaint of harassment, it is determined that either the complainant, or any other person providing information during the investigation, intentionally and knowingly provided false information regarding the complaint, such individual will also be subject to disciplinary or corrective action the College considers appropriate under the circumstances, up to and including termination of employment or dismissal from the College's academic program (See policy *7009 Employee Conduct and Work Rules*).
- If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure that all parties are reacquainted with the policy.
- After the close of the investigation and after any remedial actions have been taken, the Special Assistant to the President Diversity & Equity/Title IX and Compliance located in the College Center, telephone number (856) 415-2154 (Gloucester Campus), or to the Director Diversity, Equity, Title IX, and Judicial Affairs located in the Administration Building, telephone number (854) 498-9948 (Cumberland Campus) will follow up at least twice with the complainant to ensure that no harassment or retaliation is occurring or to prevent the recurrence of harassment.
- Any criminal assault or battery, sexual or otherwise, will be reported to the appropriate authorities.

The Complaint Form may be found on the College website, on the Gloucester Campus in the Office of Diversity and Equity located in the College Center, or on the Cumberland Campus in the Administrative Offices located in the Administration Building.

Area: Human Resources

Approved: 07/01/19

Revised: 09/15/20

President's Authorization:

A handwritten signature in black ink, appearing to read "Fred Kuntz", is written over a horizontal line.

References:

Rowan College of South Jersey Board of Trustees Policy Manual, *7001 Affirmative Action and Equal Employment Opportunity (AA/EEO)*; *7009 Employee Conduct and Work Rules*; *7011 Harassment and Discrimination*; *7013 Sexual Misconduct and the Rights of Victims*; and *7017 Conscientious Employee Protection (Whistleblower)*

Rowan College of South Jersey Administrative Procedure, *7001 Affirmative Action and Equal Employment Opportunity (AA/EEO)*